

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Jadhav Anil Kumar S/o Bheem Rao as not local ST of agency area of Adilabad District by the Collector & District Magistrate, Adilabad District vide Procgs. Rc.No.C3/2596/2019-26, dated 28.01.2020 - Appeal filed by Jadhav Anil Kumar S/o Bheem Rao R/o Shyamnayak thanda of Hasnapur (vg) of Utnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 3

Dated: 12-01-2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs. Rc.No.C3/2596/2019-26, dated 28.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Jadhav Anil Kumar S/o Bheem Rao R/o Shyamnayak thanda of Hasnapur (vg) of Utnoor Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.304/TW.LTR/2020, dated 05.06.2020
5. Lr.Rc.No.D5/309/2018, dated:30.07.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.304/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that Jadhav Anil Kumar S/o Bheem Rao R/o Shyamnayak thanda of Hasnapur (vg) of Utnoor Mandal of Adilabad District is not a Local Schedule Tribe as per definition of GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018, basing on the following findings of the Scrutiny Committee:

- Appellant appeared before the Committee on 30.11.2019 and 02.12.2019 and submitted following documents:
 - Copy of 1355 Fasli of Nagapur village.
 - Wasool Bqui copy of Nagapur village.
 - Copy of 1955-56 to 1957 to 58 Pahani of Nagapur village.
 - Pahani extracts of 1969-70, 1981-82, 1984-85, 1985-86, 1986-87, 1993-94, 1994-95, 1996-97, 1997-98, 1998-99, 2004-05, 2012-13, 2014-15, 2015-16 and 2017-18 of Hasnapur village.
 - Pattedar Pass Book (old).
 - 1977 Voter list copy.
- In the final hearing on 24.12.2019, the Scrutiny Committee has concluded with the following findings:

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- i) On verification of Family Tree & Land documents:
 - As per 1357 Fasli (1947 year) Nagapur village of Utnoor – Sy.No.8 extent acs.1.00 is recorded in the name of Setya S/o is not mentioned (great grandfather).
 - As per Theen Saal pahani (1955-58) of Nagapur village Sy.No.8 extent acs.2.20 gts is recorded in the name of Harijya S/o Setya (grandfather's brother).
 - As per pahanies (1979-80, 1985-86, 1992-93, 1999-2000, 2005-06, 2015-16) of Nagapur village at Sy.No.42/6 recorded in the name of Harijya S/o Setya (grandfather's brother).
 - As per pahanies 1969-70 to 2013-14 of Heerapur village in Sy.No.1/34 extent acs.0.25 gts is recorded in the name of Jairam S/o Setya (grandfather).
- ii) The candidate has produced two (02) different village records pertaining to Nagapur village – Sy.No.8, 42/6 and Heerapur village – Sy.No.1/34, but not produced any documentary evidence that how the land is inherited from Sy.No.42/6 of Nagapur village in the name of Harijya S/o Setya (grandfather) and also present land at Sy.No.1/34 of Heerapur village in the name of Jairam S/o Setya (grandfather) which is objectionable.
- iii) As per documentary evidence bonafide certificate, the date of birth of applicant is 06.08.1994 and as per household card WAP192602400295 the date of birth of applicant's father is 28.04.1978. As per voter ID card issued in the year 1995 applicant's father Jadhav Bhimrao age is (27) years it meant that the birth year is 1968. There is (10) years difference as per Household card date of birth, voter ID date of birth which is contradictory and objectionable.
- iv) As per original voter list of 1977 year available with RDO Office, Utnoor, Heerapur village is deserted, which falls under 243 Khanapur Assembly Constituency, Utnoor Firka, Adilabad District and none of the persons are residing. But the applicant has submitted the unauthenticated voter list of 1977 year claiming that it pertains to Heerapur village of 237-Boath Assembly Constituency, Utnoor Taluka, Part No.184 in which only (04) members are recorded which is fabricated and invite criminal proceeding against the applicant.
- v) Thus, it is revealed that the land documents are not tallied, age of applicant & his father are not tallied, voters list is fabricated which highly objectionable.
- vi) Hence, the applicant has failed to prove that his forefathers/family members are residing continuously in the Agency Scheduled Areas since 1950 or before.

- A show cause notice was issued to Sri Jadhav Anil Kumar S/o Bheem Rao to attend before the District Collector on 28.01.2020 and no explanation produced by the candidate when asked about fabricated document i.e. unauthenticated voter list of 1977 year claiming that it pertains to Heerapur village of 237-Boath Assembly Constituency, Utnoor Taluka, Part No.184 in which only (04) members are recorded, he claims his brother namely Suraj has obtained it from G.P. which is highly objectionable. So, the above observations of the Scrutiny Committee are found valid. Moreover the candidate has not produced any other documentary evidence to prove residence in Agency area of his family forefathers since 1950.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant to Jadhav Anil Kumar S/o Bheemrao R/o Syamnaikthanda (Hasnapur), Utnoor Mandal of Adilabad district vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, TW (LTR.1) Department. The contentions of Jadhav Anil Kumar S/o Bheemrao Mandal and the documents submitted along with the Appeal and also during hearing on 5.9.2020 are as follows:

- He has been selected for Teacher post in TRT 2017 Recruitment.
- As per 1357 Fasli (1947 year) – Sy.No.8 (new Sy.No.42/6) was recorded in the name of Harijya i.e. elder son of great grandfather since expired.
- Land in Heerapur sivar in Sy.No.1/34 in the name of Setya was made patta in the name of Jairam and also given the livestock.
- There is land in the name of Roopsingh i.e. second son of Harijya in Sy.No.42/6 in Nagapur sivar village.
- Elder son of Jairam namely Jadhav Ramdas is having land in Sy.No.42/9 in Nagapur sivar. The land share from Harijya to Jairam, was made patta in the name of his elder son Ramdas.
- Elder son of Jairam i.e. Ramdas executed on a bond paper in the presence of gram panchas that the land in Sy.No.1/34 in Heerapur sivar along with livestock was given to his younger brother Bheemrao.
- Date of Birth of his father was recorded as 1968 in the voter list but erroneously recorded as 1978 in the Aadhar card – therefore, there is a difference of 10 years.
- Previously in the application for LST Certificate, he submitted documents related to his family land records, 1977 voter list – but they were found not correct.
- He applied for voter list of 1977 before the MRO and the RDO but they informed that the voter list is not available. When enquired in the village, he found the same available with the son of his paternal uncle namely J.Soraji S/o Mangtya which he obtained and submitted. During verification day on 28.01.2020, the Dist. Collector informed that the said voter is not correct – therefore, he

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produced his brother J.Soraji S/o Mangtya before the District Collector on 30.01.2020.

- Not knowing about correctness of voter list for the year 1977, his application has been rejected by the Dist. Collector treating his case as not genuine.
- As per Family Tree duly recorded by Village Revenue Officer, Hasnapur:
 - Jadhav Setya is great grandfather of appellant. He has two sons namely 1) Jadhav Harjiya and 2) Jadhav Jairam (grandfather of appellant).
 - Jadhav Harijya i.e. elder brother of grandfather of appellant Jairam has two sons namely Mangthya and Roopsingh and Jairam i.e. (grandfather of appellant) has two sons namely 1) Jadhav Ramdas and 2) Jadhav Bheemrao (father of appellant).
 - Jadhav Bheemrao (father of appellant) has two sons and one daughter namely 1) Anil Kumar (son and appellant) 2) Jaysri (daughter) and 3) Sunil.
- Fasli 1357 (1947 year) of Nagapur village – Utnoor Taluq – shows name of Setya in Sy.No.19 for an extent of acs.1.00.
- Pahani for the year 1969-70 – village: Heerapur – Taluq: Utnoor – shows name of Jairam for an extent of acs.0.20 gts. (grandfather of appellant).
- Pahani for the year 1981-82, 1984-85, 1985-88, 1986-87, 1987-88, 1990-91, 1993-94, 1994-95, 1996-97, 1997-98, 1998-99, 2004-05 – village: Heerapur – Taluq: Utnoor – shows name of Jairam S/o Setya for an extent of acs.0.25 gts in Sy.No.1/34 (grandfather of appellant). Father of appellant came into cultivation column from the year 1997-98.
- Fasli 1422 (year 2012) (obtained on 26.6.2013) – village: Heerapur – shows name of Jadhav Jairam S/o Setya for an extent of acs.0.25 gts in Sy.No.1/34.
- Fasli 1424 (year 2014) (obtained in 28.11.2014) – village: Heerapur – Utnoor Mandal – shows name of Jadhav Bheemrao S/o Jairam (father of appellant) for an extent of acs.0.25 gts in Sy.No.1/34.
- Fasli 1425 (year 2015) (obtained on 20.03.2016) – village: Heerapur – Utnoor Mandal – shows name of Bheemrao S/o Jairam (father of appellant) for an extent of acs.0.25 gts in Sy.No.1/34.
- Fasli 1427 (year 2017) (obtained on 27.07.2017) – village: Heerapur – Utnoor Mandal – shows name of Bheemrao S/o Jairam (father of appellant) for an extent of acs.0.25 gts in Sy.No.1/34.

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- Fasli 2017 (obtained on 28.06.2019) – village: Heerapur – Utnoor Mandal – shows name of Bheemrao (father of appellant) for an extent of a/cs.0.25 gts in Sy.No.1/34.
- Pahani for the year 2017 (obtained on 24.10.2019) – village: Nagapur – Utnoor Mandal – shows name of Roopsingh S/o Harijya in Sy.No.42/6 for an extent of a/cs.4.00 gts (son of paternal uncle of Bheemrao).
- Pahani 1955-56, 1956-57, 1957-58 – village: Nagapur – Taluq: Utnoor – shows name of Harijya S/o Setya (brother of grandfather of appellant namely Jairam) owning an extent of a/cs.1.20 gts.
- Pahani for the year 1979-80 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (brother of grandfather of appellant i.e. Jairam) owning an extent of a/cs.4.00 acres.
- Pahani for the year 1980-81 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (brother of grandfather of appellant i.e. Jairam) for an extent of a/cs.4.00 in Sy.No.42/4 patta.
- Pahani for the year 1985-86 – do –
- Pahani for the year 1987-88 – do –
- Pahani for the year 1988-89 – do –
- Pahani for the year 1992-93 – do – (Sy.No.42/6).
- Pahani for the year 1993-94 – do –
- Pahani for the year 1995-96 – do –
- Pahani for the year 1996-97 – do –
- Pahani for the year 1997-98 – do –
- Pahani for the year 1999-2000 – do –
- Pahani for the year 2005-06 – do –
- Fasli 1425 (year 2015) (obtained on 29.03.2016) – village: Nagapur – Utnoor Mandal – shows name of Roopsingh S/o Harijya in Sy.No.42/6 for an extent of a/cs.4.00 gts. (son of paternal uncle of Bheemrao).
- Final Patta Certificate bearing Rc.No.A3/2235/1978, dt. -1977 issued by Tahsildar, Utnoor to Sri Jairam S/o Setya R/o Heerapur – assigned an extent of a/cs.0.25 gts.
- Old PPB in the name of Ramdas S/o Jairam (i.e. paternal uncle of appellant) – village: Nagapur – shows land owned by him to an extent of a/cs.4.20 gts. (issued in the year 1977).

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- New PPB bearing No.T13180320026 under Khata No.36 issued in favour Jadhav Bheem Rao S/o Jairam (father of appellant) by Tahsildar, Utnoor – shows an extent of Acs.0.25 gts in Sy.No.1/34 – as assigned land inherited (Heerapur village) (issued on 10.04.2018)
- New PPB bearing No.T13180320018 under Khata No.26 issued in favour of Jadhav Roopsingh S/o Harjiya (son of paternal uncle of Bheemrao) for an extent of Acs.3.00 in Sy.No.1/23 as assigned land inherited (village: Nagapur) (issued on 10.04.2018).
- New PPB bearing No.T13180220089 under Khata No.153 issued in favour of Jadhav Roopsingh S/o Harijya (son of paternal uncle of Bheemrao) for an extent of Acs.4.00 in Sy.No.42/6 as patta land inherited (village: Nagapur) (issued on 10.4.2018)
- Cist receipts (7 Nos.).
- Copy of Register No.13 (related to sale of livestock) dt.13.3.1968, 20.4.1974.
- Property Tax Receipts issued by GP Adilabad dt.11.12.1980, 21-12-1985, 20.12.1986 and 25.12.1990 in the name of Jairam S/o Setya and Ramdas S/o Jairam.
- Rahadari Receipt dated 28.2.1991 issued by GP Jainoor in favour of Ramdas S/o Jairam R/o Hasnapur.
- Voter list for the year 1993 – Polling Station No.17 – village: Hasnapur – Mandal: Utnoor – 243 Khanapur ST Assembly Constituency – show names of 1) Jadhav Jairam S/o Setya (grandfather of appellant) at Sl.No.791, 792 Valkibai W/o Jairam (grandmother of appellant) at Sl.No.792, Bheemrao S/o Jairam (father of appellant) at Sl.No.793 and Yasoda W/o Bheemrao (mother of appellant) at Sl.No.794 under H.No.1-179 and Jadhav Ramdas S/o Jairam (paternal uncle of appellant) and his wife Smt.Nirmalabai at Sl.Nos.795 and 796 under H.No.1-180.
- Copy of Local Scheduled Tribe Candidate Certificate issued by Tahsildar, Utnoor Mandal bearing No.E/632/2016, dt.14.06.2016 certifying that Jadav Anil Kumar S/o Jadav Bheem Rao R/o Shama Naik Thanda H/o Hasnapur village of Utnoor Mandal belongs to ST Lambadis community as per the Caste certificate issued by the Tahsildar, Utnoor vide Ref.No.CND021605590536, dt.10.06.2016. Further certified that Jadav Bheem Rao parent of Jadhav Anil Kumar themselves or his parents have been continuously resident from 1950 to till date at Shama Naik Thanda H/o Hasnapur village of Utnoor Mandal as per Fasli year 1357 and Khasra Pahani 1954-55 of Hasnapur village of Utnoor Mandal, which is a notified scheduled village of Utnoor Mandal from 26.1.1950.

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- Panchanama dt.06.06.2016 conducted by Revenue Inspector, Utnoor and Village Revenue Officer – in the presence of 6 panchas of Samanaikthanda – they stated that father of Bheem Rao i.e. Jairam S/o Setya and his paternal uncle Sri Harijya S/o Setya lived in Laltekdi village 60 years ago, later migrated to Saminaikthanda and settled.
- GP Shamaikthanda Resolution dt.19.2.2020 – on enquiry, they came to know that Sri Jadhav Anil Kumar obtained Voter List for the year 1977 which was found incorrect by the Dist. Collector – the person given the said voter list is Jadhav Soraji i.e. son of paternal uncle of Anil Kumar. Jadhav Anil Kumar has no knowledge of its correctness. Jadhav Soraji admitted his mistake. He has admitted the same before the Dist. Collector also. Land in Sy.No.8-42/6 in the name of great grandfather was given for TSTWRJC at Laltekdi. On enquiry, it is established that great grandfather and grandfather of Jadhav Anil lived from 1950 in Heerapur and Syamnaikthanda.

4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

6. Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 and submitted documents in support of her claim that they have been residing in the Agency Area since 26.1.1950.

7. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, found that Jadhav Anil Kumar S/o Bheem Rao and his ancestors have been continuously living in the agency villages of Heerapur and Shayamnaikthanda of Utnoor Mandal from before 1950.

8. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Progs. Rc.No.C3/2596/2019-26, dated 28.01.2020 and allow the Appeal filed by the appellant Jadhav Anil Kumar S/o Bheem Rao R/o Shyamnayak thanda of Hasnapur (vg) of Utnoor Mandal of Adilabad District, declaring him as local ST of agency village of Hasnapur (Shyamnaikthanda) of Utnoor Mandal of Adilabad District and also

::8::

treated his local ST certificate bearing No.E/632/2016, dt.14.06.2016 issued by the Tahsildar, Utnoor, as valid.

9. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Jadhav Anil Kumar S/o Bheem Rao R/o Shyamnayak thanda of Hasnapur (vg) of Utnoor Mandal of Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER